



**CITY OF DULUTH**  
Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197  
Phone: 218/730.5580 Fax: 218/723-3559

## STAFF REPORT

<b>File Number</b>	PL 14-139		<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Vacation of Street		<b>Planning Commission Date</b>	November 10, 2014	
<b>Deadline for Action</b>	<b>Application Date</b>	October 8, 2014	<b>60 Days</b>	December 7, 2014	
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	February 5, 2015	
<b>Location of Subject</b>	Alden Avenue between Red Wing Road and Faribault Road				
<b>Applicant</b>	Ridgeview Country Club		<b>Contact</b>	Warren Wiedemann, 218-728-5128	
<b>Agent</b>			<b>Contact</b>		
<b>Legal Description</b>	See attached				
<b>Site Visit Date</b>	November 5, 2014		<b>Sign Notice Date</b>	October 27, 2014	
<b>Neighbor Letter Date</b>	October 27, 2014		<b>Number of Letters Sent</b>	26	

### Proposal

Vacate Alden Avenue between Red Wing Road and Faribault Road, maintaining a utility easement over the western 10'.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
<b>Subject</b>	R-1	Undeveloped Right of Way	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	RR-1	Golf Course	Recreation

### Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements require a Planning commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

Code requirements are found in UDC Section 50-37.6. The Planning Commission shall review the proposed vacation, and council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

- 1) Is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city;
2. Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
3. Is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

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**Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):**

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

**Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):**

Staff finds that:

- 1.) The dedicated right of way for Alden Avenue is undeveloped for roadway purposes, but contains a portion of a residential driveway and a portion of a parking lot for Ridgeview Country Club.
- 2.) An existing roadway connecting Red Wing Road to Faribault Road was built on property owned by Ridgeview Country Club. Separate resolutions granting new easements over the existing road will be brought to City Council simultaneously with this vacation application.
- 3.) Applicant owns the majority of property abutting this portion of Alden Avenue.
- 4.) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way, and will not result in any dead-ends.
- 5.) Staff believe this right of way is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the City; the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- 6.) The abutting land owner at 600 W Red Wing Road has indicated support for the vacation. No other public, agency, or City comments were received.
- 7.) Vacations of streets lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process, after City Council approval.

**Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):**

Based on the above findings, Staff recommends that Planning Commission recommend approval to the City Council that the street be vacated, retaining a utility easement over the western 10' of the street, with the following condition:

- 1.) City Council adopts resolutions accepting a new roadway easement over Ridgeview Country Club property that connects Red Wing Road to Faribault Road.

**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**

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# City Planning

PL 14-139

Alden Avenue

## Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Utility Easement
- Other Easement
- Vacated ROW
- Road or Alley ROW

## Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

## Network Structure

- Storage Basin
- Pump Station

## Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storm Sewer Catch Basin

## Subtype

- Storm Sewer Pipe

## Gas Distribution Main

### Nominal Diameter

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

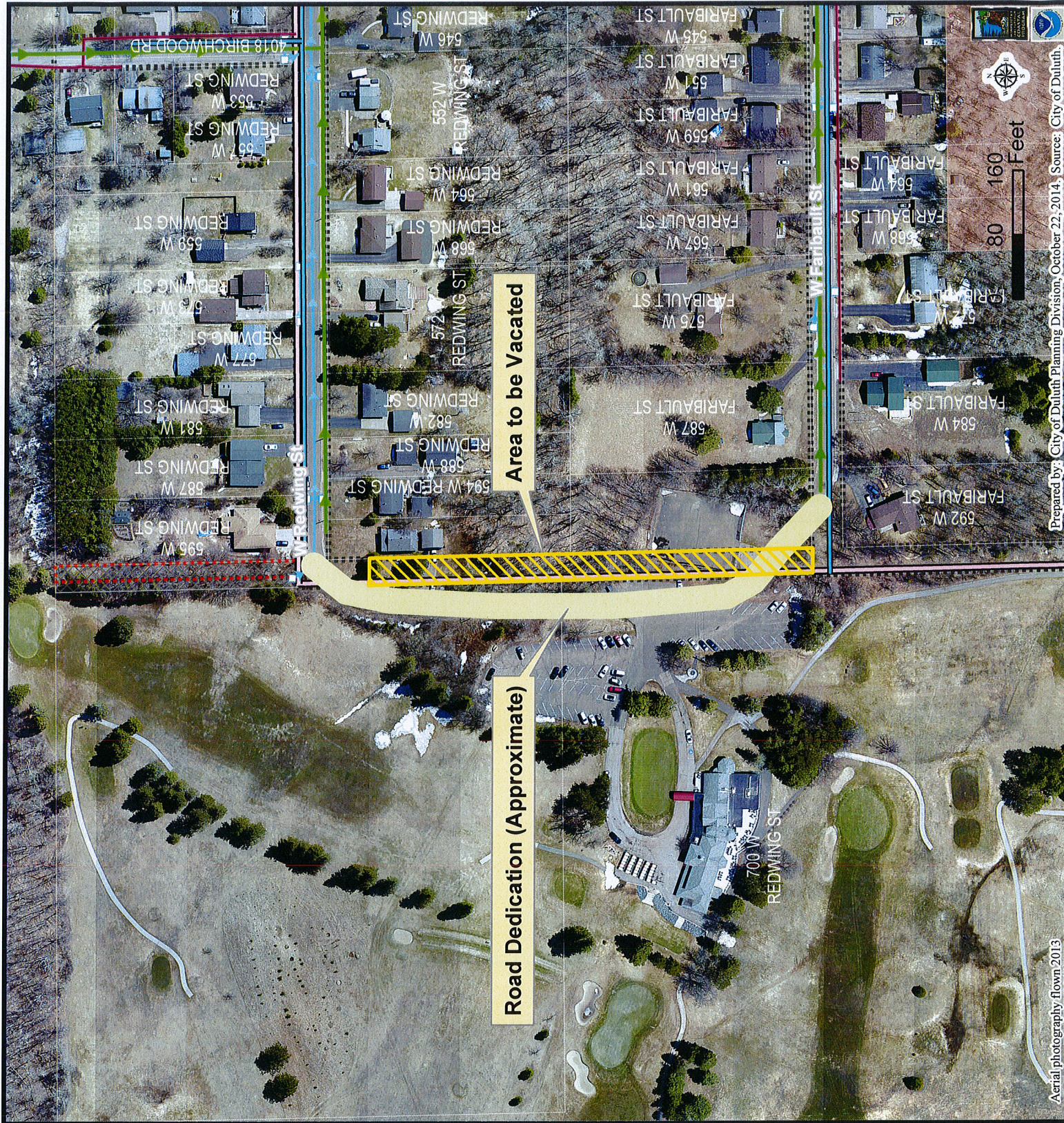
## Shoreland (UDC)

- Cold Water
- Natural Environment
- General Development

## Floodplain (UDC)

- General Flood Plain
- Flood Way
- Flood Fringe

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



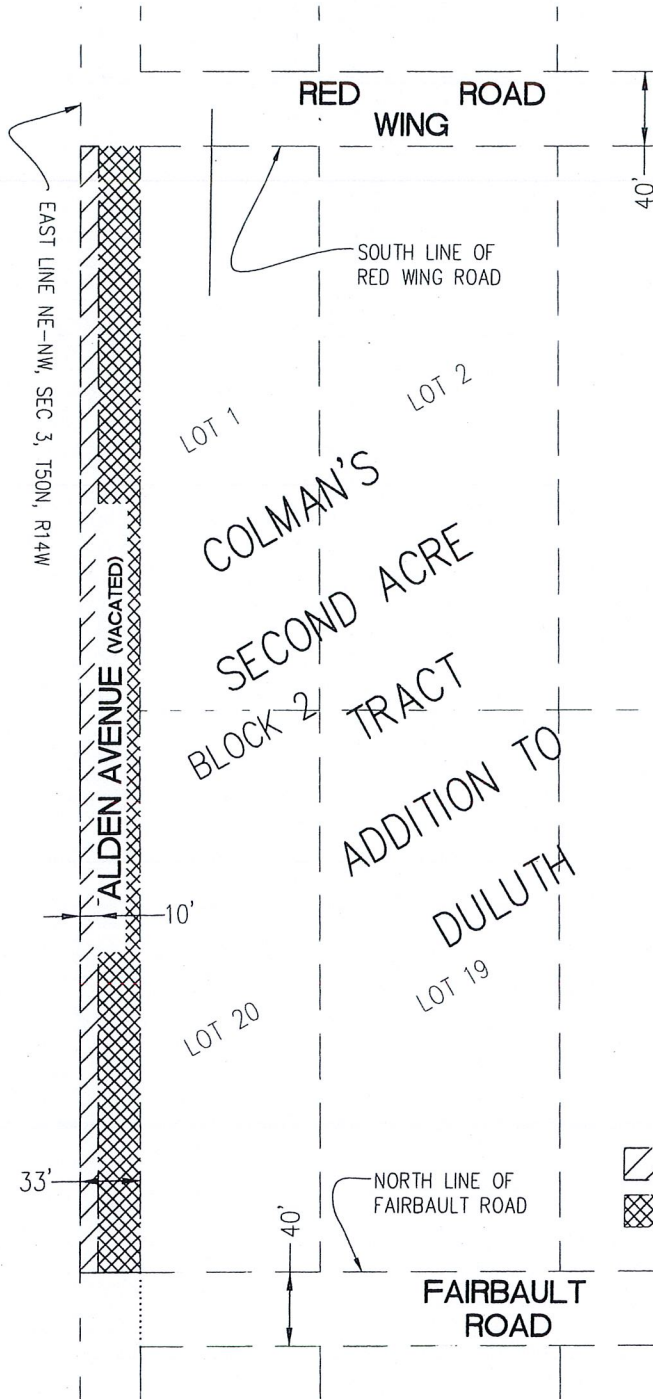
Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, October 22, 2014. Source: City of Duluth.



# VACATION EXHIBIT

## PART OF ALDEN AVENUE

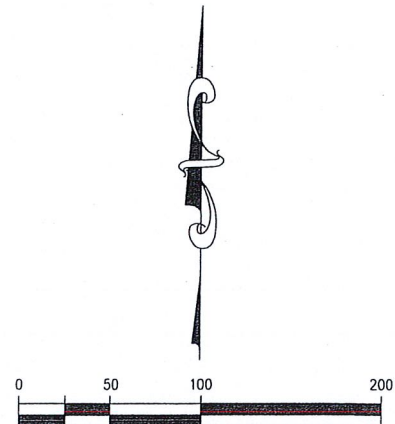


### VACATION DESCRIPTION:

ALL THAT PART OF ALDEN AVENUE, LYING NORTH OF THE NORTH LINE OF FAIRBAULT ROAD AND SOUTH OF THE SOUTH LINE OF RED WING ROAD, ALL IN COLMAN'S SECOND ACRE TRACT ADDITION TO DULUTH, CITY OF DULUTH, ST LOUIS COUNTY, MINNESOTA.

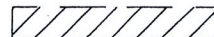
### PUBLIC UTILITY EASEMENT:

THE WEST TEN (10) FEET OF ALDEN AVENUE, LYING NORTH OF THE NORTH LINE OF FAIRBAULT ROAD AND SOUTH OF THE SOUTH LINE OF RED WING ROAD, ALL IN COLMAN'S SECOND ACRE TRACT ADDITION TO DULUTH, CITY OF DULUTH, ST LOUIS COUNTY, MINNESOTA.



(1 INCH = 100 FEET)

Basis of Bearing is Grid North,  
St. Louis County Transverse  
Mercator 96 Coordinate System.



=VACATION AREA-PUBLIC UTILITY EASEMENT



=VACATION AREA-THIS EXHIBIT

APPROVED BY:

CITY ENGINEER

*[Signature]*

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Print Name: Paul A. Vogel

License # 44075

Signature: *[Signature]*

Date: 10/08/2014

REV: 10/08/14

REV: 9/25/14

DATE PREPARED: 9/22/14

PROJ NO: 140536

FILE: 140536vExhib

SHEET 1 of 1 SHEETS



PERFORMANCE  
DRIVEN DESIGN.  
LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

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## EXHIBIT

### VACATION DESCRIPTION

All that part of Alden Avenue, lying north of the north line of Fairbault Road and south of the south line of Red Wing Road, all in COLMAN'S SECOND ACRE TRACT ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota.

Subject to the retention of an easement for utility purposes over, under and across the following described parts of Alden Avenue:

The west Ten (10) feet of Alden Avenue, lying north of the north line of Fairbault Road and south of the south line of Red Wing Road, all in COLMAN'S SECOND ACRE TRACT ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul A. Vogel

Signed

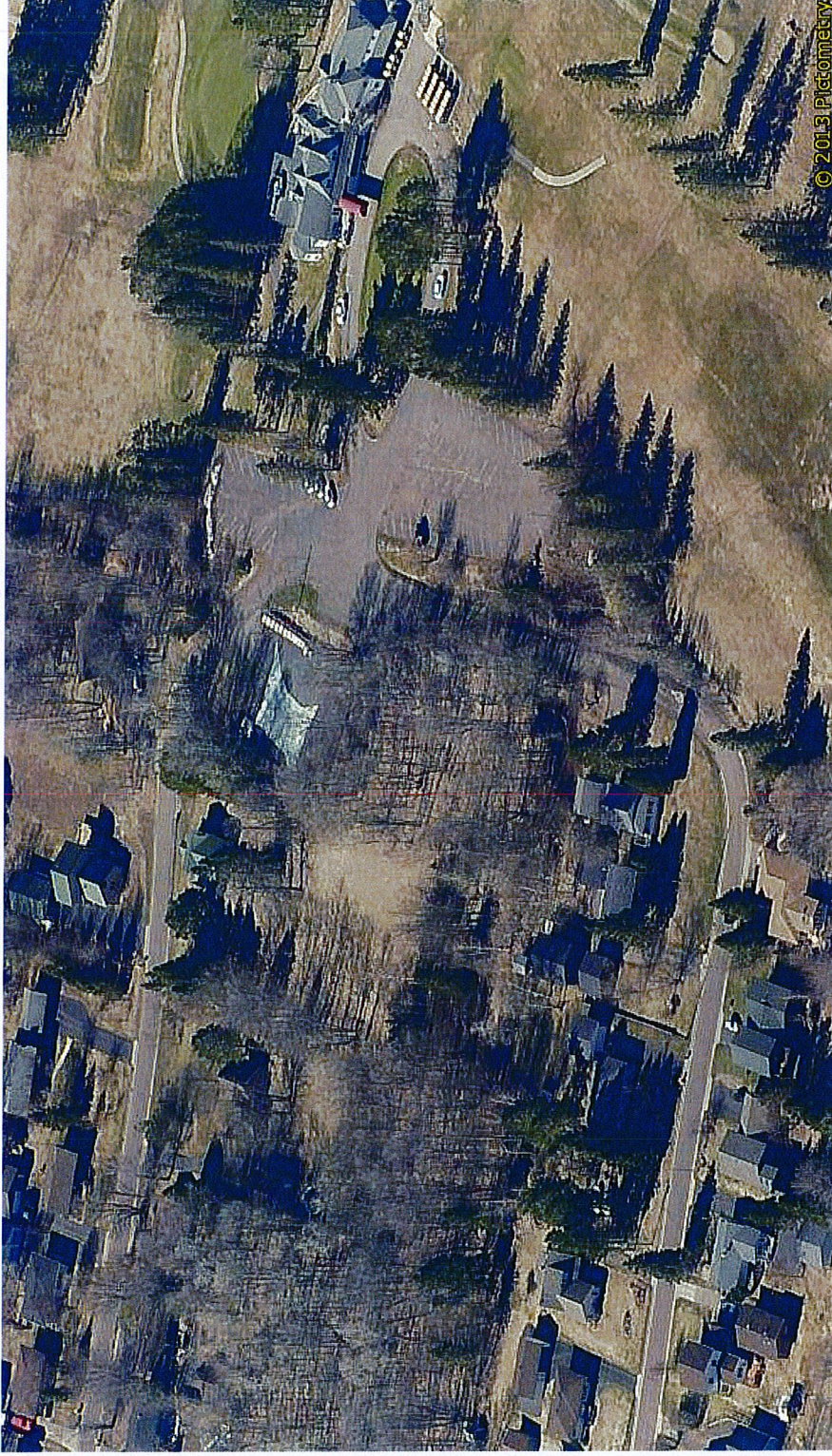
Date

10/08/2014 License No. 44075



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## Alden Avenue

Print Date: 10/29/2014  
Image Date: 05/15/2013  
Level: Community

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